

STATEMENT FOR THE RECORD

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**HOUSE GOVERNMENT REFORM COMMITTEE
SUBCOMMITTEE ON CRIMINAL JUSTICE, DRUG POLICY AND
HUMAN RESOURCES**

**HEARING ON
“INTERRUPTING NARCO-TERRORIST THREATS
ON THE HIGH SEAS:
DO WE HAVE ENOUGH WIND IN OUR SAILS?”**

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Chairman Souder, Ranking Member Cummings, I greatly appreciate you convening this important hearing before the House Government Reform Subcommittee on Criminal Justice, Drug Policy and Human Resources entitled “Interrupting Narco-terrorist Threats on the High Seas: Do We Have Enough Wind in Our Sails?”. My name is Eduardo Bhatia, and I am the Executive Director of the Puerto Rico Federal Affairs Administration, which represents the Commonwealth government in Washington, D.C. This is a particularly important issue for Puerto Rico and our nation at this time. I appreciate your willingness for me to provide these comments before your Subcommittee that I hope will allow for a greater understanding of the maritime narco-terrorist threat that the Commonwealth of Puerto Rico faces, how local and federal agencies are responding to these threats, and what steps may be taken to improve the deterrence, interdiction and other efforts to respond to these threats.

There is no doubt that narco-trafficking is a major problem affecting Puerto Rico. To a great extent, Puerto Rico lays both in the transit zone for narco-trafficking, and is seen as a final destination as well. Of concern is our particular focus on the matter before the subcommittee – the threat and capability of drug trafficking organizations (DTOs) to exploit the 363 miles of coastline of Puerto Rico to smuggle large quantities of cocaine and other narcotics into the Island, and to transship it elsewhere from Puerto Rico. Located only 380 miles from the South American coast, narcotics like cocaine are easily transported through the Gulf or Mexico or Caribbean Sea by go-fast boats or air drops into the eastern Caribbean islands or Hispaniola. Puerto Rico is an attractive transshipment point, as once in Puerto Rico, there are no further inspections by Customs and Border Protection (CBP) or other barriers that preclude narcotics or contraband from being smuggled elsewhere in the U.S. As a federal official once noted to me, “once you get something in Puerto Rico, you may as well be in Iowa – there is nothing to stop you from moving it elsewhere in the nation.”

From eastern Caribbean islands such as the Virgin Islands and St. Maarten, narcotics are then carried by go-fast boats to the islands of Vieques and Culebra or to the eastern or southern mainland of Puerto Rico, or via go-fast boats or, often with illegal immigrants, shipped in *yolas* from Haiti and more commonly, from the Dominican Republic. Other maritime means for

narcotics entering Puerto Rico include private yachts and fishing boats, in addition to container ships arriving primarily from Central and South America. For instance, in February 2004, CBP officers in San Juan inspected a vessel arriving from Venezuela, which had made a port call in the Dominican Republic, in which they found 1,705 pounds of cocaine valued at over \$55 million, while in February 2005, federal authorities seized more than 2,000 pounds of cocaine and 2 ounces of heroin on a Honduran-flagged ship in nearby waters, which was escorted, searched and detained in San Juan.

Through coordination with local members of DTOs or other criminal entities, narcotics are often retrieved onshore or near-shore at night, and then stored in Puerto Rico until the narcotics can be transshipped elsewhere within the United States – most commonly the northeastern corridor of New York City, New Jersey, and Boston, among other locations. In fact, analysts estimate that 80 percent of the cocaine that enters Puerto Rico is transshipped to other locations, with only about 20 percent being consumed locally. The Department of Homeland Security (DHS) estimates that 25 percent or more of the total amount of cocaine entering the United States comes from the Caribbean corridor, and the flow through Puerto Rico contributes greatly to this percentage. According to the 2003 Office of National Drug Control Policy (ONDCP) Caribbean Cocaine Threat, the estimated flow of cocaine directly through Puerto Rico and the U.S. Virgin Islands was 11 metric tons, while estimates of cocaine flow through Hispaniola were 44 metric tons, and 27 metric tons through the eastern Caribbean and Lesser Antilles. According to the ONDCP assessment, since most of the cocaine passing through Hispaniola and the Lesser Antilles is transshipped through Puerto Rico, the total flow through the Island to the continental U.S. is estimated to be 82 tons, or fifteen percent of the total flow into the U.S. (though more cocaine passes through the Caribbean bound for Europe, these numbers do not represent that additional amount).

While I note the estimates and intelligence that is available pertaining to narcotics, these transit corridors could presumably be used not just for access to the American illegal drug market, but with potential collaboration between narco-traffickers and terrorist organizations, rather heinous people or dangerous cargo or weapons could be smuggled in as well.

As you can imagine, this system has far ranging impacts on Puerto Rico. Though I recognize that this is not the focus of this hearing, it is important to note that the maritime narco-threat that Puerto Rico faces causes locally an extraordinarily high significance of violent crime, particularly murder. Coupled with an unemployment rate double that of the rest of the United States, local involvement with criminal gangs and other DTOs is all too common, and causes immeasurable impacts to our economy, education system, and quality of life. In a certain sense, the impacts from narco-trafficking bring a certain level of terrorism to Puerto Rico's communities.

Nonetheless, I want to assure you that the government and law enforcement agencies of the Commonwealth of Puerto Rico are dedicated to combating this threat and that they are working closely with their federal counterparts. As Puerto Rico's Resident Commissioner in Congress from 2001 - 2005, Governor Aníbal Acevedo-Vilá worked closely with federal law enforcement agencies to bring more resources to address narcotics and related crime, such as working with the Drug Enforcement Agency (DEA) to create a Mobile Enforcement Team in Puerto Rico, which has since proven effective. Fighting crime and combating the narco-trade are priorities for the Governor, and will continue to be. The Superintendent of the Puerto Rico Police Department, Pedro Toledo, is a former FBI Special Agent, which greatly facilitates cooperation between Commonwealth and federal authorities. The existence of the Puerto Rico/Virgin Islands High Intensity Drug Trafficking Area (HIDTA) also enables strong federal-local collaboration, planning, information sharing and coordinated efforts to address drug trafficking both in Puerto Rico and the Virgin Islands, as well as in the surrounding waters. JIATF-South plays a similarly important, though a broader, and more strategic role.

The primary Commonwealth law enforcement agency dedicated to maritime law enforcement, including but not limited to narcotics, is the Rapid Response Task Force, or FURA by its Spanish acronym. FURA does have a terrestrial component, though that is out of the scope of this hearing. One of the agency's primary goals is the detection and interdiction of questionable vessels in the waters of Puerto Rico with the intent of deterring and catching those who attempt to smuggle drugs into Puerto Rico, and is in fact the lead agency in the 2004-2005 PR/VI HIDTA Air and Marine Interdiction Initiative. FURA has a fleet of boats, helicopters and

planes and a dedicated and professional force of 759 officers and agents and 24 civilians. Of those officers and agents, 354, or over 46 percent, are assigned to the eleven Maritime Divisions, based along the coast of the Island. Just this week a new station was inaugurated by Governor Acevedo-Vilá in the eastern Municipality of Humacao, which will greatly aid in the capability to interdict maritime threats along the southeastern shore and the islands of Vieques and Culebra.

FURA has been successful in its efforts to detect and interdict drug shipments. The agency conducted 5,761 maritime patrols in 2004, totaling 29,170 hours of patrol time. These patrol operations led to 9,049 interventions of vessels. One metric of FURA's effectiveness is the amount of cocaine captured annually, which is rather significant, if only from an absolute and not a relative perspective:

Year	Amount of Cocaine Seized by FURA
2000	3697 kilograms
2001	5203 kilos
2002	1349 kilos
2003	3959 kilos
2004	2309 kilos

In addition, FURA seized 10,930 pounds of marijuana in 2003, and 649.8 pounds in 2004, and 28 kilos of heroin in 2003. As you can see, the actions of FURA, and all of the Puerto Rico Police, exemplify the strong and dedicated effort of the Commonwealth to curtail drug smuggling into and around our Island. Though locally funded, FURA has benefited from certain federal resources. For instance, Byrne Justice Assistance Grants (JAG) funded the training and certification of 31 FURA officers in emergency and instrument flight procedures in 2003, and FURA received a total of \$2.3 million from the HIDTA program for maintenance of the boat and plane fleet, allowing for safer and increased operational tempo of the maritime patrols. In addition to FURA and the Puerto Rico Police, the Puerto Rico National Guard has also contributed to combating the maritime threat by assisting with inspections of cargo ships and other vessels, supporting aerial detection efforts, and providing myriad support functions through the HIDTA collaborative.

Thankfully, Puerto Rico partners closely with federal law enforcement and homeland security officials in addressing this narco-trafficking threat. Coordinated through the PR/VI HIDTA, FURA and the Puerto Rico Police operate alongside the U.S. Coast Guard, Customs and Border Patrol, Air and Marine Operations, the Drug Enforcement Agency, the Federal Bureau of Investigation, the U.S. Attorney's Office, and others.

From a perspective on the maritime threat, the Coast Guard deals with much of the maritime traffic in and around Puerto Rico, and is the lead federal authority for maritime issues on the high-seas beyond Puerto Rico and U.S. coastal waters. Operating out of San Juan Harbor, Coast Guard Sector San Juan operates a fleet of 6 110-foot (WPB) *Island Class* Patrol Boats, in addition to numerous smaller vessels, which patrol the waters around Puerto Rico and throughout the Caribbean. In addition, the Coast Guard maintains an air detachment, Air Station Borinquen, which is located in the northwest municipality of Aguadilla on the former Ramey Air Force Base. Combining air assets, such as HU-25 Falcon Jet surveillance aircraft, and the vessel fleet the Coast Guard provide leadership in maritime surveillance, detection and interdiction activities that greatly contribute to the law enforcement activities and defensive posture in the waters around Puerto Rico. The San Juan Sector Coast Guard has proven successful in these endeavors, reporting seizures of 21 kilograms of heroin in FY 2004, and 38 kilos to date in FY05; 14,994 kilos of cocaine in FY04, and 5,499 kilos to date in FY05; and 38,354 pounds – over 19 tons of marijuana/hashish in FY04, and 9,079 pounds to date in FY05. These seizures were yielded by the following interdiction events: FY04, 44 events for cocaine, 18 for marijuana, and 4 for heroin; and to date in FY05, 20 events for cocaine, 13 for marijuana, and 5 events for heroin seizures. These are significant quantities of narcotics that, through the efforts of the Coast Guard, have been captured and did not make it into our communities. The Coast Guard has a broad range of responsibilities, and as with narcotics interdiction, performs a supreme job that the people of Puerto Rico greatly appreciate.

Other Homeland Security agencies are closely involved in the maritime counter-narcotics effort around Puerto Rico and in the Caribbean. Working closely with the Coast Guard, CBP officers regularly interdict questionable vessels from the Dominican Republic and elsewhere, often detaining illegal immigrants and occasionally contraband. The Air and Marine Operations

(AMO) component based out of Puerto Rico, which was recently transferred from the Immigration and Customs Enforcement branch, conducts critically important detection and interdiction flights in the Caribbean. Using a variety of air and marine assets, AMO provides critical awareness of suspicious planes and boats in the region, which in turn supports the interdiction efforts conducted by AMO, the Coast Guard, or Puerto Rican forces. The AMO has plans to construct a new facility on the former Naval Station Roosevelt Roads, which will increase the capability of AMO to conduct detection and interdiction missions in the increasingly used eastern Caribbean corridor.

One final federal asset of importance to the counter-narcotics effort in Puerto Rico is the tethered aerostat radar system (TARS) located in the southwest Puerto Rico town of Lajas. The Lajas TARS provides real-time awareness of airborne tracks in the Caribbean, out to a radius of 300 miles when fully deployed. The Lajas TARS has succeeded in deterring many suspicious tracks from flying towards Puerto Rico, and preventing airborne drug shipments from being dropped near or in Puerto Rico. The TARS costs about \$3 million per year to operate, and in comparison with other detection means, is highly cost effective. According to federal data, aerostats were responsible for the vast majority of all detections of suspect air targets nationwide in 2002, at an exponentially lower cost than P-3s, C-550 or other airborne sensor platforms. Though the U.S. Air Force removed the Lajas TARS from service for a short period in early 2004, pressure from Puerto Rico and the value of the TARS to other federal agencies led the Defense Department to return the aerostat to service.

As you can see, while Puerto Rico faces a broad array of threats from narco-traffickers and potentially narco-terrorists who use the high seas to conduct their illegal activities, coordination and cooperation between Commonwealth and federal entities has been successful in interdicting, deterring, detaining and prosecuting that activity. Despite these concerted efforts, DTOs continue to have success in smuggling cocaine, other narcotics, and potentially other contraband to, and through the Island. In order to maintain the capability of Puerto Rico and the federal government in responding to these threats, Congress should consider the following recommendations:

- To enable critical interagency cooperation, HIDTA should continue to be funded at a high level, and should remain under the control of the ONDCP;
- Federal assistance to local law enforcement agencies, such as the Byrne JAG program, should remain funded at a high-level;
- As has been requested by Resident Commissioner Luis Fortuño, support the Coast Guard in devoting greater numbers of its vessels and air assets, such as MH-68A Stingray Interdiction Helicopter (HITRON), to assignment to Coast Guard Sector San Juan;
- A Border Patrol office should be established in the U.S. Virgin Islands with new manpower/personnel and resources, enabling the Border Patrol in Puerto Rico to more greatly focus on smuggling and illegal immigration threats to the Commonwealth;
- Fully fund the AMO's construction of a new facility, including helipad, boat docks and refurbished hangers, at the former Naval Station Roosevelt Roads;
- Provide funding for the Maritime Patrol Aircraft that AMO is procuring, which will increase the agency's ability to detect maritime tracks from the air; and
- The Lajas TARS should be retrofitted to include maritime radar, which would cost less than \$250,000 to install and only accrue \$30,000 in additional annual operations costs, while providing AMO, FURA, Coast Guard and others with extremely heightened maritime awareness up to 300 miles out from Puerto Rico.

These recommendations, if followed, will provide the important resources and information for federal and Commonwealth law enforcement agencies to continue their dedicated response to the narco-terrorist threat originating from the high seas. The Commonwealth of Puerto Rico is dedicated to combating the threat of drugs on our streets and communities, and realizes that preventing narcotics from entering our Island is the first step that can be locally taken towards supply reduction. In creating and maintaining an important defense against narco-smuggling into Puerto Rico, Commonwealth and federal authorities will be all the more prepared and capable of deterring and interdicting any worse threats that exist, or may arise.

Mr. Chairman and members of the Committee, I thank you for this opportunity to provide a Puerto Rico perspective on this extremely important issue, and I hope that we, the

Commonwealth of Puerto Rico, can work with you, as we have with our federal law enforcement counterparts, to ensure the greatest possible capability of protecting our nation from the threats of narco-terrorism.